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KING & SPALDING LLP
1180 PEACHTREE STREET
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OFFICE OF PETITIONS

In re Application of :
Sue K. Denise, et al. :
Application No. 10/750,622 : **DECISION GRANTING PETITION**
Filed: December 31, 2003 : **UNDER 37 CFR 1.313(c)(2)**
Attorney Docket No. MMI-0102 :

This is a decision on the petition under 37 CFR 1.313(c)(2), filed June 26, 2008, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on March 3, 2008 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.¹

A review of the record shows that the RCE filed June 24, 2008 was paid with the small entity fee of \$405. Since this request was after the loss of entitlement previously filed on March 3, 2008, the fees submitted with the petition to withdraw from issue and the RCE on June 24, 2008 are unnecessary and will be credited to petitioner's credit card.

Telephone inquiries regarding this decision should be directed to undersigned at (571) 272-1642.

This application is being referred to Technology Center AU 1637 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

April M. Wise

April M. Wise
Petitions Examiner
Office of Petitions

¹ The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment of the application.